

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CASANDRA M. V.,

Plaintiff,

1:23-CV-620
(GTS/TWD)

v.

MARTIN J. O'MALLEY,
Commissioner of Social Security,

Defendant.

APPEARANCES:

OF COUNSEL:

HILLER COMERFORD INJURY &
DISABILITY LAW
Counsel for Plaintiff
6000 North Bailey Avenue, Suite 1A
Amherst, New York 14226

JUSTIN M. GOLDSTEIN, ESQ.

SOCIAL SECURITY ADMINISTRATION
OFFICE OF GENERAL COUNSEL
Counsel for Defendant
6401 Security Boulevard
Baltimore, Maryland 21235

HEETANO SHAMSOONDAR, ESQ.
VERNON NORWOOD, ESQ.

HON. GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

The above matter comes to this Court following a Report-Recommendation by United States Magistrate Thérèse Wiley Dancks, filed on August 27, 2024, recommending that (1) the Commissioner's motion for judgment on the pleadings be denied, (2) Plaintiff's motion for judgment on the pleadings be granted, (3) the Commissioner's decision denying disability benefits be reversed, and (4) the case be remanded to the Commissioner for further proceedings

pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. No. 18.) Objections to the Report-Recommendation have not been filed and the time in which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing all of the papers herein, including Magistrate Judge Dancks thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation.¹ Magistrate Judge Dancks employed the proper legal standards, accurately recited the facts, and correctly applied the law to those facts. (Dkt. No. 18.) As a result, the Report-Recommendation is accepted and adopted in its entirety; Plaintiff's motion for judgment on the pleadings is granted, Defendant's motion for judgment on the pleadings is denied, the Commissioner's decision is vacated, and this matter is remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

ACCORDINGLY, it is

ORDERED that Magistrate Judge Dancks' Report-Recommendation (Dkt. No. 18) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

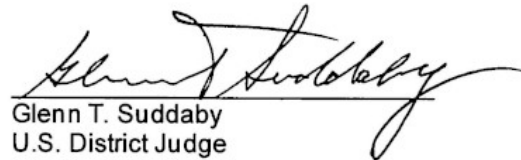
ORDERED that the Commissioner's motion for judgment on the pleadings (Dkt. No. 15) is **DENIED**; and it is further

ORDERED that Plaintiff's motion for judgment on the pleadings (Dkt. No. 11) is **GRANTED**; and it is further

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear-error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a clear-error review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; *see also Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

ORDERED that the Commissioner's decision denying disability benefits is **REVERSED**; and it is further **ORDERED** that this matter is **REMANDED** to the Commissioner of Social Security for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

Dated: September 19, 2024
Syracuse, New York


Glenn T. Suddaby
U.S. District Judge